

**City of Bozeman
City Attorney's Office**

March 16, 2009

SENATE JUDICIARY
EXHIBIT NO. 8
DATE 3/26/09
BILL NO. HB 228

*Tim Cooper, Staff Attorney
Patricia Day-Moore, Staff Attorney
Susan L. Wordal, Staff Attorney
Jessica Berley, Staff Attorney*

Senate Judiciary Committee
Helena, MT

RE: HB 228

To Whom It May Concern:

Your Committee is to consider HB 228, as modified. This House Bill was originally written in response to concerns about the ability of individuals to keep and bear arms for purposes of self-defense. Unfortunately, the bill, even as modified for consideration before the Committee now, creates an untenable situation from the standpoint of Victims of Domestic Violence, Violations of Orders of Protection and Stalking.

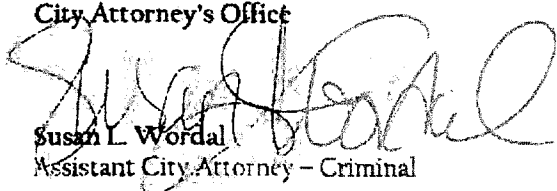
Victims of Domestic Violence, Violations of Orders of Protection and Stalking live in fear of their abuser or stalker. They either know about the weapons these people possess, or they live in fear of the weapons they may possess. If we then allow these abusers and stalkers to carry weapons with impunity, the message to these Victims will be clear and unequivocal: we do not care about the Victims, we care more about our right to carry a weapon and flaunt our power and ability to intimidate with our weapon on our hip. It also tells Victims the only way to be safe is to strike first.

The Montana Constitution is clear. Montana's self-defense statutes are clear. Individuals in Montana have the right to protect themselves from injury or death, and have the right to respond to acts of aggression with the same or similar force. However, if this bill moves forward, we will be ushering in a new age of Vigilantism. Rather than trying to avoid taking a life in the name of self-defense, this will encourage people to shoot first and ask questions later.

This Committee has the ability, right now, to consider whether we, as Montanans, will be known for our "Old West, Vigilante" culture, or whether we will be known for balancing the protections afforded our citizens to walk the streets without fear of intimidation along with our right to keep and bear arms. Our citizens, and the Victims of violent crimes, are entitled to live without fear. We owe it to them to look for a better solution to this issue than the one which HB 228 affords. As a Prosecutor, and one of those who regularly speaks on behalf of Domestic Violence and Stalking Victims, I urge you to look for the better solution and defeat HB 228.

Sincerely,

City Attorney's Office


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Assistant City Attorney - Criminal

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